

IN THE

**Supreme Court of the United States**

OCTOBER TERM, A. D. 1945.

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No. 1201  
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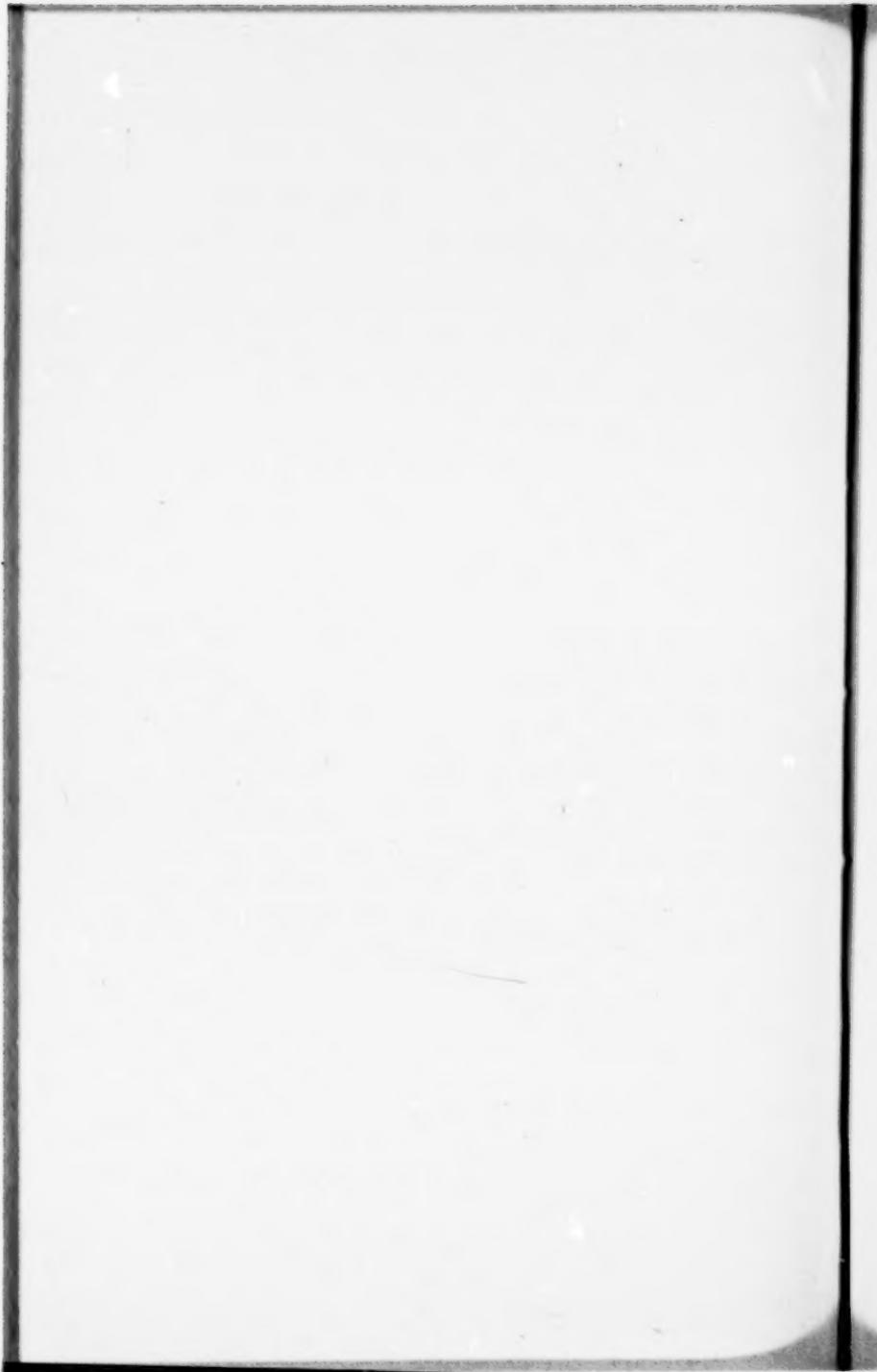
THE UNITED STATES OF AMERICA,  
EX REL. CONSTANTINOS KARPATHIOU,  
*Petitioner*,

vs.

ANDREW JORDAN, DISTRICT DIRECTOR OF IMMIGRATION  
AND NATURALIZATION, CHICAGO DISTRICT,  
*Respondent.*

**PETITION FOR WRIT OF CERTIORARI TO REVIEW  
DECISION OF THE UNITED STATES CIRCUIT  
COURT OF APPEALS FOR THE SEVENTH CIRCUIT  
AND BRIEF IN SUPPORT THEREOF.**

—  
HARRY G. JOHNSON,  
*Attorney for Petitioner.*



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## SUMMARY OF ARGUMENT.

- A. The decision rendered herein is in conflict with the decisions of several other Circuit Courts of Appeal on the same matter.
- B. The decision of the United States Circuit Court of Appeals departs from the accepted and usual course of judicial proceedings of like matter.
- C. The decision of the United States Circuit Court of Appeals is in conflict with applicable decisions of this court.
- D. The decision of the United States Circuit Court of Appeals has sanctioned such a departure by the Department of Labor in like matter, as to call for an exercise of the Supreme Court's power of supervision.

E. The Petitioner, by the ruling of the Department of Labor, has been deprived of his liberty without due process of law and in violation of the Fifth Amendment of the Constitution of the United States of America.

F. No order for Deportation has been made by the Secretary of Labor.

**CASES CITED.**

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ANDREW JORDAN, DISTRICT DIRECTOR OF IMMIGRATION  
AND NATURALIZATION, CHICAGO DISTRICT,  
*Respondent.*

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## PETITION FOR WRIT OF CERTIORARI TO REVIEW DECISION OF THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SEVENTH CIRCUIT.

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*To the Honorable Judges of the  
Supreme Court of the United States:*

Petitioner, CONSTANTINOS KARPATHIOU, prays the issuance of a Writ of Certiorari to review the decision by the United States Circuit Court of Appeals of the Seventh District, rendered February 18, 1946, in case 8851, in that the court affirmed the judgment of the District Court of the United States. The United States District Court dismissed the Petition of your Petitioner for a Writ of Habeas Corpus.

CONSTANTINOS KARPATHIOU,  
By HARRY G. JOHNSON,  
*His Attorney.*

## STATEMENT OF FACTS.

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This action came before the District Court upon a Petition for a Writ of Habeas Corpus on behalf of Constantinos Karpathious, Petitioner herein, against Andrew Jordan, District Director of Immigration at Chicago, Illinois. The Petition alleged that the Petitioner was restrained and imprisoned by the said Andrew Jordan by virtue of a certain pretended warrant of arrest issued on the 14th day of January, 1934; further alleged that after his arrest, a hearing was had before the Immigration Inspector at Milwaukee, Wisconsin and that after said hearing the Petitioner was informed that on the 7th day of July, 1938, a warrant for his deportation had been issued by the Secretary of Labor at Washington, D. C.

The Petition further alleged that the said warrant of deportation is void and issued without authority of law for the following reasons:

1. That your Petitioner is lawfully entitled to remain in the United States.
2. That said warrant of deportation was not sustained by any evidence at the hearing afforded your Petitioner by the Inspector in charge of Immigration and Naturalization at Milwaukee, Wisconsin.
3. That your Petitioner was not afforded a full and fair hearing by the Department of Labor or by the Inspector in charge of said hearing.
4. That no legal evidence was heard by the Inspector or by the Department of Labor upon which the deportation warrant could legally be predicated.
5. That your Petitioner was not found as a matter of fact managing a house of prostitution or music or dance hall or other place of amusement and that no evidence supporting said charge was adduced before the Inspector or Department of Labor in said hearing.

6. That your Petitioner was denied the right to cross-examine witnesses which right is guaranteed him by the Constitution of the United States.

7. That said Andrew Jordan, District Director of Immigration at Chicago, Illinois, or any other officer having custody of Petitioner has no warrant whatsoever for the commitment or detention of Petitioner.

That upon the filing of said Petition and notice to the District Attorney, an order was entered granting leave to respondent to file a reply or motion to dismiss said Petition within five days and said motion was set for hearing June 1st, 1945.

That thereafter on the 29th day of May, 1945, the respondent filed in the Clerks office his Motion to dismiss the Petition. Said Motion set forth: "The Petitioner was arrested on October 28, 1936 by Immigrant Inspector Lawrence Giesking on warrant of arrest issued by the Secretary of Labor, dated October 27, 1936. He was accorded hearings pursuant to said warrant of arrest on October 27, October 29 and November 6, 1936 and on November 18, 1937. At each of these hearings he was represented by counsel. The Secretary of Labor having considered the evidence directed the Petitioner's deportation to Greece on the charge that the Petitioner is subject to deportation under Section 19 of the Immigration Act of February 5, 1917 in that he is employed by, in, or in connection with a house of prostitution; and that he is an inmate of a house of prostitution. The Petitioner was released under bond of One Thousand Dollars (\$1000.00) pending deportation. When he was surrendered by the surety for deportation on July 16, 1938, he filed a Petition for Writ of Habeas Corpus which was issued by this Court on July 16, 1938 under Habeas Corpus Cause No. 47. After due hearing upon the Petition, Honorable Charles

E. Woodward, Judge of this Court, dismissed the Writ of Habeas Corpus and remanded the Petitioner to the custody of the District Director of Immigration and Naturalization at Chicago, Illinois. The Petitioner appealed to the Circuit Court of Appeals for the 7th Circuit and on October 20, 1939 that Court affirmed the order of the United States District Court. This case is reported in 106 F. 2d 928. The Petitioner then appealed to the United States Supreme Court and certiorari was denied. (60 Set. 721, 309 U. S. 681, 84 L. Ed. 1024.) The record which was certified to the Circuit Court of Appeals may be found in Habeas Corpus Cause No. 47 which is a part of the official records of this Court. A copy of the decision of the Circuit Court of Appeals is attached hereto, made a part hereof and marked Exhibit One (1).

The Court is further informed that the Petition for Writ of Habeas Corpus now before this Court is identical with the original Petition which was dismissed by this Court and which order of dismissal was affirmed by the Circuit Court of Appeals and certiorari was denied by the United States Supreme Court. No new issues of any kind are raised by the new Petition.

Wherefore your respondent respectfully moves the Court to dismiss the Petition for Writ of Habeas Corpus filed herein."

A hearing on said Petition and Motion was had on June 1st, 1945, and an order entered dismissing said Petition.

Notice of Appeal to the United States Circuit Court of Appeals, Points of errors relied upon for reversal, Prae-cipe for Transcript of record and several stipulations were duly filed and appear in the Record. The Abstract of the testimony also appears in the Transcript of the Record filed herein.

Exhibit Two was a record of hearings accorded the Petitioner on October 29, November 6, and August 18, 1937. Exhibit Three is a copy of the warrant of deportation dated January 14, 1938 and signed by Turner W. Battle, an Assistant to the Secretary of Labor, directing Petitioner's deportation.

Thereafter, Petition for appeal to the United States Circuit Court of Appeals was filed granting said appeal and ordering said Petitioner admitted to bail pending the final determination of his appeal; and thereafter the Relator filed his assignment of errors in the said District Court and an order was entered upon Stipulation of Counsel, that the original file, papers and records may be considered by the United States Circuit Court of Appeals in lieu of a certified copy of same. A praecipe for transcript of record was duly filed. Notice of appeal was served upon the United States District Attorney.

## THE EVIDENCE.

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In order to properly present the issues in this case to this court, it will be necessary for us to quote quite extensively from the evidence.

CONSTANTINOS KARPATHIOU:

Also known as GUS PHILLIPS.

I was born September 15, 1888, in Vathy, Greece. I now live at Route #3, Beaver Dam, Wisconsin. My occupation is that of a cook. I am employed by May Phillips in the Willow Inn at Beaver Dam. I live at the same place where I am employed. I have been employed there about three years at \$35.00 a month, board and room. I am not married. (Married to an American born woman on February 21, 1938, at Dubuque, Iowa.) I entered the United States September 23, 1907, New York, as a 3rd class passenger. Examined by United States Immigrant Inspector Paid my head tax. I applied for my first papers on February 4, 1935 at Fond du Lac, Wisconsin. (Papers granted.) I have never committed a crime or misdemeanor. The only time I was arrested was for reckless driving, for which I paid a fine of \$5.00 and cost. I have never been the inmate of a house of prostitution or managed such or assisted in the management of such, nor been employed in or connected with such a place. I have never managed a dance or music hall, or any place frequented by prostitutes, or derived any benefits therefrom or shared in the earnings of a prostitute. Nor have I assisted, protected, promised protection, transport, or solicit men for prostitutes. I am acquainted with Kanelos Paskos. I have known him for about four years. I met him when I was working in a

restaurant at Fond du Lac. Everything he said about me in his statement is a lie. I have never known Pat Murphey or Hazel Vebeldt. I came to this country when I was a kid, and I have been here for thirty years and have not violated any laws and I tried to become an American citizen. I have spent all of my life in this country. I am 48 years of age. Whatever those people said about me is not true. What Paskos said about me is not true. He has a grudge against me. I do not see why I should be deported. I did not violate any law.

**WALTER BUSCHKOPF:**

I am Sheriff of Dodge County, and live at Juneau, Wisconsin. I have never had any reports, and my investigators never found any conditions at Willow Inn which would indicate that it was being run, or conducted as a house of ill fame.

**WILLIAM HALL:**

I live at Beaver Dam, Wisconsin. I am cashier of the Farmers' State Bank. I have been in the banking business for 25 years and know the property known as Willow Inn. During the sale of this property to May Phillips, I have had occasion to go to the Willow Inn. On those occasions I did not notice anything that would in any manner indicate that the place was being conducted as a disorderly house or a house of ill fame. The place had not had a reputation of being referred to as a disorderly house. To my knowledge, it is not known as a house of prostitution. I know the alien, Gus Phillips. His reputation in Beaver Dam is very good. I know Kanelos Paskos. His reputation in Beaver Dam is very poor, and his reputation for truthfulness is none too good. I would not believe him under oath. I have seen Gus Phillips once or twice a

month. I go to the Willow Inn practically every month, sometimes twice a month.

**HENRY KRUEGER:**

I live at Beaver Dam. My occupation is that of a farmer and Assemblyman. I have lived in Beaver Dam practically my entire life. I have been an Assemblyman for the past four years and have been re-elected. I have been Town Chairman for the Town of Beaver Dam for a number of years. As such Chairman, one of my duties is to issue tavern licenses. I know where the Willow Inn is. I have never had any complaint of any nature against that tavern. The application for license was made by May Phillips and granted to her. I have known Gus Phillips for about three years. I have never heard anything derogatory to his reputation and have never heard anything bad about him. I know Kanelos Paskos. He made an application for a license in the name of some other name and the license was not granted, and he made several threats against me at that time. I know he has been arrested several times. While I was Chairman, no complaints were made to me about the Willow Inn, or May Phillips. The Town Board has a committee to make investigations. While I was in the Willow Inn I never observed anything that would indicate to me that the place was being run as a house of ill fame.

**EMMERSON WALDHIER:**

I live at Beaver Dam. My occupation is that of a jeweler for the past 17 years. I know the premises known as Willow Inn, and May Phillips. I have business dealings with her. I also know Gus Phillips and Kanelos Paskos. I have known Phillips for about three years. As far as I know you can't find a cleaner cut man than Gus Phillips. In fact, I never heard anything bad about him. I have

stopped by the Willow Inn several times. I have never heard that the place was being conducted as a house of ill fame, and when there I did not notice anything out of the way. I know that Kanelos Paskos has not got a good reputation. The first I knew of him was when he killed a man and served time for it. I would absolutely not believe him under oath. I would say that Phillips is a very much respectful sort of a fellow and could be trusted. May Phillips owns and manages the Willow Inn. I have been there several times and when there I never noticed any women hanging around there.

**HARRY BEN HENDLER:**

I live at Beaver Dam, Wisconsin. I am managing a fruit Market. I know the premises known as Willow Inn and Gus Phillips, as well as May Phillips. I have known them for about 2½ years. I know that May Phillips is the owner of those premises. I have been there quite often. I have never heard that the reputation of Willow Inn was that of a house of ill fame, and it has always borne a good reputation. When I was there nothing ever happened that would indicate that it was being conducted as a house of ill fame. I have never been solicited by anyone there. It has always been operated as a good clean tavern. I know Kanelos Paskos. I know that his reputation is the opposite of being a law abiding citizen. His reputation is bad. I would not believe him under oath. Such is his general reputation in Beaver Dam.

**ARTHUR J. CISCO:**

I run a market at Beaver Dam. I know Gus Phillips for about three years. I also know May Phillips. I have been at Willow Inn several times. When there I did not notice anything about the place being operated as a house of ill

fame. No woman ever solicited me there. I never knew anything bad about Gus Phillips, and the Willow Inn has a good reputation.

**GUS ANTONOPOULOS:**

I run a shoe shining parlor and hat cleaning shop at Beaver Dam. I know Constantinos Karpathiou for the past three years. I have been to the Willow Inn with my family several times. I never noticed anything about the place that would indicate to me that it was being run as a house of ill fame. The place, since run by May Phillips, always had a reputation of being a good clean place, and Gus has a reputation of being a very nice fellow. I never heard anything bad about him. I know Paskos since he was a kid in the old country. I know he was arrested in Greece. His reputation in Beaver Dam is very bad. I would not believe him under oath. Miss Phillips manages the Willow Inn. I have never seen Gus Phillips manage it. The only thing I saw him do there was working in the yard. I never noticed any women hanging around or loitering around the place.

**TOM ELLAN:**

I am tavern keeper at Beaver Dam. I have lived there for 26 years. I know what is going around the country. I never heard anything bad about the Willow Inn, or May Phillips. Ever since I have known Gus Phillips, everyone seems to think he is a good fellow. I have stopped by the Willow Inn very often. No one there solicited me. It is run as an ordinary tavern. I know Kanelos Paskos for 25 or 26 years. I know he has been arrested several times. I do not think his reputation is very good. I have often heard that the Willow Inn is the cleanest place in the country.

**GUST THOMAS:**

I am working at a tavern. I have known Constantinos Karpathiou since 1932. I met him while working in a restaurant at Fond du Lac. I know the place known as Willow Inn. In fact, I used to have the place myself. I sold the place to May Phillips in 1933. While I had the place I never ran it as a house of ill fame. I have been back there quite a few times. I have never heard anything wrong about the place. I have never been arrested. All I ever saw Gus Phillips do there was to clean up and working around the place.

**MIKE VOURGANAS:**

I am a tavern keeper. I have lived in Fond du Lac for the past twenty years. I know Gus Phillips. He has a good reputation.

**MIKE FAGAS:**

I work on the W. P. A. It is not true that I got my wife to go to work at the Willow Inn to practice prostitution. She don't know what she is talking about. She can't read and understand nothing and is very nervous. She told me she was working there for \$6.00 a week. We have been married for 3 years. She is very sick. I had the doctor only last night. She is expecting a baby. She does not know what she is talking about at all. The doctor told me she did not know the difference between wrong and right.

**DANIEL M. FREITAG:**

I am a soda water manufacturer and wholesale dealer. I live at Beaver Dam. I have been to the Willow Inn very often. During the time I was out there, I never noticed anything in connection with the operation of the place that would indicate that it was being run as a house of ill fame.

I never heard anything derogatory about Gus Phillips. I never thought Gus Phillips was managing the Willow Inn. His only work is sweeping or cleaning up the place. The only women I saw there were always escorted.

**STEVE CONES:**

I work in a tavern in Fond du Lac. I am married and have nine children. I know Gus Phillips since 1931. I have been to the Willow Inn quite often. Whenever I went there no women ever solicited me. I never saw any women hanging around there. I know that May Phillips manages the place. I have known her since 1933. I know that Gus Phillips is only working at the Willow Inn.

**JOHN J. O'MARA:**

I am Deputy Clerk of the Courts for Dodge County, Wisconsin. As such Clerk I have charge of the Records of the Circuit Court of Dodge County. In reference to criminal cases, I have checked the record of Kanelos Paskos. I find a conviction against him on February 16, 1914 of being guilty of 3rd degree murder, sentenced to 4 years in Waupun. Another conviction on February 8, 1936, charged with the violation of the State Liquor Laws and charged with a fine of \$100. These convictions were never reversed.

**MAY PHILLIPS:**

My occupation is that of a tavern keeper in Beaver Dam. I have never been arrested. I have known Gus Phillips for 4 or 5 years. He is working for me now. I am the owner and manager of the business. I am paying him \$35.00 per month. I know Kanelos Paskos. I have not been on friendly terms with him since I let him go for taking money out of my cash register and he told me then he was going to get even with me and said he was going to send Gus back to the old country and put me out of the business.

That was about two years ago. He lives just across the street. I never had any paper made out so it would look as if I was married to Gus. It is not true that the girls working for me were practicing prostitution. The place is run as a straight tavern. I am positive that there is no prostitution carried on. I never had any girls brought there for the purpose of practicing prostitution. My trade is a nice clean class of trade of traveling people. The girls absolutely never give me any money. I have never been called on the carpet by either the local, county, or state authorities in connection with the conduct of my business.

**GUST PHILLIPS:**

Kanelos Paskos' statement that I am proprietor of the Willow Inn is not correct. I never did own the Willow Inn and have no interest therein. I have worked there about three years. While I was working there I have never observed anything that would indicate that prostitution is being carried on. I have never received any money which was derived from the business of prostitution. It is not true that the girls did pay me \$1.00. I never received any such money. My salary is \$35.00 a month with board and room. On the 27th of last month only one girl was working there. She was cooking and cleaning. It is not true that I was arrested in Akron at the time and jumped a \$1,000 bond, or shot a cop. It is not true that I was in Fond du Lac in 1931 and had a beer flat and two girls hustling for me. I never did have a beer flat. While I have been at the Willow Inn, there never has been any prostitution carried on. While I have been there, there has been periodical inspection by the Sheriff's Office and Town Office, but there has never been any trouble.

**KANELOS PASKOS:**

I was arrested in Rockford for carrying a gun, and arrested last year in Beaver Dam for selling beer without a license. I was also arrested and fined \$25.00 in cost for driving a car without a license. I went to the Court House about a year ago to find out whether or not Gus Phillips was the owner of the building. I also asked the Registrar of Deeds to look up whether or not Gus Phillips was a citizen.

**E. E. SCHUMACHER:**

I am an attorney and acquainted with Gus Phillips. I have been District Attorney for the past two years. During that time I have never had any complaint against the Willow Inn. We have had under cover men working around the Western part of Dodge County, checking up taverns and road houses, and have had at least four places pad locked. There was nothing to indicate that the Willow Inn was conducted as a house of prostitution. I have never heard by reputation or otherwise, that the Willow Inn was run as a house of prostitution. As far as I know it has a good reputation and is frequented by a nice class of people. There never has been a complaint either against the place or against May Phillips or Gus Phillips.

**MIKE NEUMAN:**

I frequently stopped at the Willow Inn. I know a man by the name of Gus there, who appeared to be the proprietor and bartender, as far as I know. I have been there about three times in the last year. The last time about six months ago. There was a girl there, but I do not know whether it was his wife or whose wife. There are usually one or two girls there. I never talked to them. I never heard that the girls were prostitutes. I have known

the place for a long time for one thing, but all I ever knew about it was that it was like the other places in the country. You could get drinks there. I do not know May Phillips. I never had anything to do with any of the girls there except to buy a drink. I was never solicited by any of the girls.

**GEORGE GROLING:**

I have been Chief of Police in Beaver Dam since 1915. I know the road side inn by the name of Willow Inn. I suspected that he was married to Mrs. Phillips. I never heard that the place had any girls there. I never heard any reports about the place. The letter you showed me addressed to the Department contains only hearsay. I never knew that there was a girl there. I stopped there for a glass of beer and there were no girls there at that time. I know that the Sheriff, during the last three years has been cleaning up these road houses. I know that in October these investigators were through the entire county. The only reason I say that May Phillips is the wife of Gus Phillips, is she told me her name was Mrs. Phillips.

**LAWRENCE GIESKING:**

I am United States' Immigration Inspector at Milwaukee, Wisconsin. I have been assigned to investigate violations of the Immigration Laws in around Milwaukee the last two or three years. The statement you show me is a true statement of what Marie Theresa Gastro Martin made to me on November 17, 1936. She has since been deported to Mexico.

**CLARA FÁGAS:**

I do not remember the Inspector Giesking. After they left I fainted and did not hear my baby for one month. At the time the Inspectors were there, I was sick, being

pregnant. I was nervous and excited. Some Greek fellow came there and told me to answer all those questions. He said if I did not tell the truth they would put me in jail. I did not tell the truth because I did not do that kind of business. I was not that kind of a girl. I was a decent girl. I told them I was a decent kind of a girl and working there. That was the truth. I never told him I went to bed with men for money. He did ask me about other girls there and I told him that the time I was working there, there was no other girls there. While I was working there, I never went to a doctor for examination. I do not know what a prostitute is, or what it means for girls to do tricks. I do not know Pat Murphey. I never heard of her. I do not know Johnny Sartino. I got married about three weeks after I left there. If I answered that Gus Phillips was the manager of Willow Inn, that was not right. The reason I said this was at the time I did not know what to say, yes or no. I fainted at the time. That other guy that was there deceived me with all that stuff. The only work I did there was cleaning work. I was paid \$6.00 a week. I did not know what I was saying when I said they only paid me what I would make out of it. My answer that I was making \$30.00 a week as a prostitute there, is not correct. I did not know what I was saying when they asked me that the house got \$1.00 out of the \$3.00, and I got the other \$2.00. That answer was not correct. I do not remember making the answer that I gave Gus Phillips \$1.00. It was not the truth that I saw Pat Murphey was there. I mean the answers were not true. I am telling the truth today. No one told me to come up here and refute the statement that I made in October. I was married four years ago, and have been living with my husband ever since in Fond du Lac.

**LAWRENCE GIESKING:**

Mrs. Fagas was not ill at the time she made the statements, except that she was pregnant. She did not complain about being ill. When we left she went with us to the door and stood talking with us on the porch. Her speech at all times was rational. It is true that Kanelos Paskos went to her ahead of us.

**LAWRENCE MCCLURG:**

The last time I was in the Willow Inn was five or six years ago. At that time the place was being run by Gus. I do not know his last name. The alien there is the man. There were a couple of girls there at that time. I do not know if May Phillips was there. I suppose they took guys upstairs. At the time I had a conversation with one of the girls who did solicit me for prostitution. She said the price would be \$3.00. I have heard that the place had girls there for prostitution. Only once during the times I was there did any of the girls talk about prostitution. I know of nobody else who was asked by any of the girls there to go to bed for money. I know it was five or six years ago. I do not remember who I heard it from that they had girls there. They are supposed to have girls there.

**OTTO BECKER:**

I have been in the Willow Inn a couple of times just to have a drink. A man by the name of Gus runs the place. I am not acquainted with him. He was in the place there a few minutes and went away. As far as I can make out, the place is a tavern. They did not have any girls there the time I was there. There was only one lady in back of the bar and she served drinks. I only stayed a few minutes. I heard that they had girls there for prostitution, but I do not know what the girls were doing. The only

girls I saw was the lady behind the bar. I heard some fellow ask the lady behind the bar where is Blondie, and she said upstairs. I did not know who Blondie was. They never had any girls there when I was there.

**ANNA KUMBA:**

I have been Cashier of Wisconsin Power and Light since September, 1932. I have charge of and am responsible for applications for service of the company. I received an application from Willow Inn. Service is in the name of May Phillips since October 14, 1935. Before that time, in the name of May Knieley. I know that she is one and the same person as Mrs. Phillips.

**JOHN SARTINO:**

Pat Murphey came to my restaurant and asked me to take her to Beloit. She did not tell me what she was going to do in Beloit. I left her there with Gus Phillips. About six months afterwards, I received a letter from her saying that she was working at the Willow Inn. After many months I went up there and she was working in the Willow Inn. Gus Phillips was behind the bar. I was there about a half an hour. I made two or three trips and saw Pat Murphey there each time. Pat Murphey never told me she was practicing prostitution at the Willow Inn. I saw other girls around the place. They were drinking at the bar and playing a slot machine. None of the girls solicited me. Pat told me she was making good money as a waitress. I presume she was working as a prostitute on her past reputation. I never saw any prostitution carried on at the Willow Inn. I never was solicited there, and I do not know if Pat Murphey carried on the practice of prostitution there. That is only my guess.

**NICK ANGELOS:**

None of the girls at the Willow Inn ever went upstairs with me. Gus never told me if anyone came to my tavern and looking for girls to send them out there.

**WALTER BUSCHKOPF:**

I have been Sheriff of Dodge County since January 7, 1935. Before that I was traffic officer for four years. While such traffic officer I did visit the Willow Inn. I thought Gus Phillips was the proprietor. I never had any reports about the place being a house of prostitution. I have had many reports about other such places and they have all been closed.

**MAY PHILLIPS:**

I have never posed at the Willow Inn as man and wife. Gus and I have never lived there as man and wife. I have never been arrested. I know the property known as Willow Inn. It is listed under the name May Phillips and I have the license to that place. The license shows single.

**HENRY KRUEGER:**

I am a member of the State Legislature and Chairman of the Town of Beaver Dam. May Phillips made the application for the license. Before the license was issued to her we did investigate her character. As far as I know, Gus Phillips had no interest in that tavern. All he did there was to clean up and manage the house, I suppose. I have been there at least 15 times in the last five years. I saw one other girl there besides Mrs. Phillips, once or twice when I was there. No girls ever solicited me there. I never heard of girls soliciting men there. I never heard that the place was being operated as a house of prostitution.

**HAROLD STOFFLER:**

I have been at the Willow Inn and saw girls there. Some of the girls there did ask me to go upstairs to bed with them. The price was not discussed. I took it for granted they wanted me to go to bed with them. They also solicited my friend with me. We both were of the opinion it was for prostitution. Only through hearsay did I hear that the place was a place of prostitution. I cannot prove that, although I believe it to be true. Nothing was said to me at this tavern by the girls about any money. Gus Phillips was not there at the time I said the girls solicited me.

**BYRON GOODALL:**

I am Immigration Inspector at Chicago, Illinois. I investigated several places around Beaver Dam in 1936, including the Willow Inn. I was stopped at some of these places and solicited, but I never was personally solicited at the Willow Inn. Gus Phillips was not there when I was at the Willow Inn. On the 17th day of August, I met May Phillips there and asked her if she had any girls, and she said she had two girls, one of them housekeeper and the other bar maid. I have been told that the Willow Inn was a place operated as a house of prostitution. I inquired of several persons in and around Beaver Dam and they all told me that the Willow Inn was a house of prostitution.

**THE CONTESTED ISSUES.**

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1.

It is contended by the Petitioner that the Court erred in ordering that the Writ be made absolute and remanded the Petitioner to the custody of the District Director of Immigration and Naturalization.

2.

That the Court erred in not releasing the Petitioner on said Writ of Habeas Corpus.

3.

That the Court erred in finding that the said order of deportation is supported by legal and competent evidence.

4.

That the Court erred in not holding that the warrant of deportation was void and of no effect.

5.

That the Court erred in not holding that the Petitioner had been deprived of his liberty without due process of law and in violation of the Fifth Amendment of the Constitution of the United States of America.

**PRAYER FOR RELIEF.**

Wherefore, your Petitioner prays the allowance of a writ of certiorari to the United States Circuit Court of Appeals for the Seventh Circuit to the end that this cause may be reviewed and decided by this Court and the judgment and order entered herein be reversed and for such relief as this court may seem meet.

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HARRY G. JOHNSON,

*Attorney for Petitioner.*

